

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, SEPTEMBER 23, 2004
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Bob Workman
Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Trish Owen, Chief Deputy County Clerk
Kristy Mundt, Deputy County Attorney
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:16 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
SEPTEMBER 16, 2004**

MOTION: Heier moved and Schorr seconded approval of the Staff Meeting minutes of September 16, 2004. Heier, Schorr and Stevens voted aye. Hudkins and Workman were absent from voting. Motion carried.

Workman arrived at 8:17 a.m.

2 ADDITIONS TO THE AGENDA

A. City-County Common Agenda Items

MOTION: Heier moved and Stevens seconded approval of the addition to the agenda. Workman, Stevens, Schorr and Heier voted aye. Hudkins was absent from voting. Motion carried.

3 COMMISSIONERS MEETING REPORTS

- A. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Workman, Stevens

Workman said discussion focused on the City's Special Election (Streets, Public Ways & Trails Bond Issue).

- B. Community Mental Health Center (CMHC) Advisory Committee - Stevens

Stevens reported plans for an open house and for the local chapter of the National Association of Mental Illness (NAMI) to hold a candidate forum at the Midtown Center.

Hudkins arrived at 8:20 a.m.

ADDITIONS TO THE AGENDA

- B. Application for Special Designated License (SDL) from State Board of Agriculture

MOTION: Heier moved and Workman seconded approval of the addition to the agenda. Schorr, Heier, Hudkins, Workman and Stevens voted aye. Motion carried.

Trish Owen, Chief Deputy County Clerk, said the State Board of Agriculture has inquired about acquiring a Special Designated License (SDL) for a rodeo and dance that it intends to hold on October 10, 2004 but has not filed an application. **NOTE:** Food and alcoholic beverages will be served at the event. She said the earliest opportunity for the Board to take action on the request will be at the September 28, 2004 Board of Commissioners Meeting but that will not meet the County's requirement that the application be filed in the County Clerk's office 21 working days (excluding holidays) prior to the date of the event.

Heier stressed the need for consistency in applying the rules.

The Board asked Owen to check whether the 21 day requirement is part of County Resolution No. R-00-148 (Procedures and Standards for Administrating Liquor License Applications in Lancaster County, Nebraska) or is a matter of policy.

4 COUNTY CHANGE OF ZONE NO. 04053, AGRICULTURAL (AG) TO AGRICULTURAL RESIDENTIAL (AGR) AT SOUTHWEST 40TH STREET AND ROKEBY ROAD - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, gave an overview of County Change of Zone No. 04053, a request to change the zoning from Agricultural (AG) to Agricultural Residential (AGR) on a 30-acre parcel (Exhibit A). He said there is a recommendation of denial from Staff and Planning Commission, based on a finding that the change of zone is not in conformance with the Comprehensive Plan. There are also recommendations of denial from the County Engineer and the Nebraska Game and Parks Commission (see agenda packet). The Nebraska Game and Parks Commission has indicated that the area of application is adjacent to the Yankee Hill Wildlife Management Area (WMA) and has recommended that if the zoning change is allowed, that development not be allowed within 200 yards.

General discussion took place regarding setbacks.

Mark Hunzeker, attorney for the applicant, appeared and requested a copy of the correspondence from the Nebraska Game and Parks Commission. He said the applicant may ask to have the item place on pending to allow time to review the effects of the requested setback.

Schorr suggested that the Board hold a working session on rural acreage development policies.

Hudkins said he would also like the County Attorney's Office to brief the Board on the issue of ex parte communications.

5 INSURANCE RENEWALS - Tom Champoux, UNICO Group, Inc.

Tom Champoux, UNICO Group, Inc., presented the following (Exhibits B, C, D & E):

- Coverage/Cost Comparison for Excess Workers' Compensation

Champoux recommended that the County accept the quote of \$87,912 (\$600,000 retention) from Midwest Employers Casualty Company for excess workers' compensation (includes Lancaster Manor).

- Coverage/Cost Comparison for Commercial General Liability
- Lancaster County, Nebraska; Proposal of Insurance for Third Party Liability

Champoux said Coregis will not renew the existing policy for commercial general liability insurance. He reviewed proposals from ACE USA, BRIT/AXIS, Clarendon, Genesis, Munich American and Scottsdale (see Exhibit D).

Champoux also reviewed quotes from Clarendon and Munich American for excess auto liability insurance (see Exhibit D). He said Continental Western is securing reinsurance in order to provide \$5 million in auto liability primary coverage and said he anticipates that the cost will be lower than the \$35,000 quote submitted by Clarendon. Champoux said that coverage can be combined with any of the proposals.

The Board expressed interest in increasing the retention level for commercial general liability insurance.

Champoux suggested that the Board seriously consider the quote of \$201,155 (\$250,000 retention) from Munich American.

The Board asked Champoux to contact Munich American and ask whether it would be willing to eliminate third party claims administration (\$12,655).

- A memorandum detailing loss history

The Board asked Champoux to provide additional information on the claim that was reported to have breached the Public Officials retention (\$45,000 loss).

RETURNING TO ITEM 2B

Owen reported that it is the County's policy that the application be filed in the County Clerk's office 21 working days (excluding holidays) prior to the date of the event and said applicants that do not meet the deadline are required to deliver copies of the application, along with a request for an application review letter, to County Engineering, Lincoln-Lancaster County Health Department and the County Sheriff's Office.

6 GENERAL ASSISTANCE (GA) UPDATE - Gary Chalupa, Veterans Service Officer/General Assistance Director

Gary Chalupa, Veterans Service Officer/General Assistance Director, reported the following:

- Pharmacy billings dated prior to August 30, 2004 will be paid by September 30, 2004
- Outstanding medical bills are up-to-date through the letter "O" (alphabetical sequence)

- The Lincoln Medical Education Foundation (LMEF) is assisting with enrollment in the National Drug Assistance Program

Stevens noted that Pat Lopez is retiring from the Lincoln-Lancaster County Health Department and suggested that Chalupa utilize her expertise as a consultant.

7 PENDING LITIGATION - Kristy Mundt, Deputy County Attorney

MOTION: Workman moved and Hudkins seconded to enter Executive Session at 10:30 a.m. for discussion of pending litigation. Hudkins, Workman, Stevens, Heier and Schorr voted aye. Motion carried.

MOTION: Heier moved and Stevens seconded to exit Executive Session at 10:40 a.m. Heier, Stevens, Hudkins and Workman voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting at 10:42 a.m.

8 SALARIES FOR SHERIFF CAPTAINS AND ATTORNEYS - Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff; Gary Lacey, County Attorney; Dennis Keefe, Public Defender; Don Taute, Personnel Director; John Cripe, Classification and Pay Manager

Sheriff Captains

Terry Wagner, Lancaster County Sheriff, presented his salary recommendations for Sheriff Captains (Exhibit F). The total cost of increases would be \$34,634 (average overall increase of 9.84%). Wagner also recommended that benefits mirror those of Deputy Sheriffs.

MOTION: Heier moved and Hudkins seconded to: 1) Approve the salary increases for Sheriff Captains, as outlined in the Lancaster County Sheriff's memorandum; and 2) Direct the Personnel Department to prepare a resolution for a Board of Commissioners Meeting to formally approve salary increases and benefits for Sheriff Captains and to move the effective date to the first pay period in January. Schorr, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

Attorneys

Don Taute, Personnel Director, clarified that the top of the salary range for Attorney I's is 1.97% over market and the top of the salary range for Attorney II's is 9.86% over market. He said none of the attorneys in the County Attorney's Office or Public Defender's Office are over the maximums.

MOTION: Schorr moved and Hudkins seconded to approve the 5% increase for Attorney I's and II's, as outlined last week, and to allow the County Attorney and Public Defender to determine how to allocate the increase amongst their attorneys, effective the first pay period in January. Hudkins, Stevens, Workman and Schorr voted aye. Motion carried.

9 A) LEASE PROPOSAL FOR 633 SOUTH 9TH STREET; AND B) ALLOWANCE MODIFICATION NO. 5 FOR MIDTOWN CENTER (\$1,332) - Don Killeen, County Property Manager

A) Lease Proposal for 633 South 9th Street

Don Killeen, County Property Manager, presented a proposal to lease space at 633 South 9th Street in order to move Adult Probation's Offices from the Corrections facility (Exhibit G). He noted that Adult Probation is shown in the 233 Building (former Lincoln Police Department Building) in the Master Plan, but said that is at least three years down the road.

Heier said he would prefer to look at available space in the County-City Building and the cost of finishing the third floor.

Board consensus was to have Killeen and Steve Rowoldt, Chief Probation Officer in Adult Probation, view the space at 633 South 9th Street. Killeen will also talk to Mike Thurber, Corrections Director, about how he will use the space that will be vacated by Adult Probation.

B) Allowance Modification No. 5 for Midtown Center (\$1,332)

Killeen gave a brief overview of the request for an allowance modification.

The Board scheduled the item on the September 28, 2004 Board of Commissioners Meeting agenda.

10 LONG-TERM CARE REQUEST FOR PROPOSALS (RFP) - Bill Kostner, Bill Thoreson, Houston Doan, Gwen Thorpe and Vince Mejer, Long-Term Care Request for Proposals (RFP) Review Committee

Bill Kostner, Long-Term Care Request for Proposals (RFP) Review Committee, reported a recommendation to accept the proposal submitted by Aetna, which is partnering with the Union Agency (a local company). He said this will be voluntary coverage and the cost will be paid by participating employees.

11 ADMINISTRATIVE OFFICER REPORT

A. Report on the National Association of County Officials (NACo) Defined Contribution Administrators Conference

Kerry Eagan, Chief Administrative Officer, and Trish Owen, Chief Deputy County Clerk, reported on the conference and presented information on the benefits of providing advisory services, an education component to retirement plans and the International Foundation for Retirement Education (InFRE) Retirement Readiness Study (Exhibits H & I).

B. Workplace Partnership for Life (Organ Donor Program)

The Board decided not to participate in the program.

C. On-Line Auction for Old Mortgage Books

Board consensus was to schedule discussion of associated costs and delivery with Vince Mejer, Purchasing Agent.

D. Grant Award Claim from Organic Crop Improvement Association (\$500)

The Board scheduled the claim on the September 28, 2004 Board of Commissioners Meeting agenda.

E. Appointments to the Lincoln Area Agency on Aging Advisory Council (Carl Tesch and Martha M. Hettenbaugh)

The Board scheduled the item on the September 28, 2004 Board of Commissioners Meeting agenda.

F. Lancaster County Agricultural Society Sign Legal Opinion

MOTION: Workman moved and Hudkins seconded to send a copy of the legal opinion to the Lancaster County Agricultural Society; Alan Wood, the Lancaster County Agricultural Society's Counsel; Gary Britton, Nebraska Department of Roads, and the Planning Department. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

G. Correspondence from Ed Birkel, State Probation Administrator, Regarding Electronic Monitoring Under Drug Court Interlocal Agreement

Kristy Mundt, Deputy County Attorney, said the State failed to account for monthly leasing costs (\$17,044) for the 28 electronic monitoring units utilized by Lancaster County in the Drug Court interlocal agreement. Birkel has asked the County to reimburse the State and said the County may utilize \$9,619.59 in unexpended funds from the previous year's interlocal agreement, which would leave a balance of \$7,424.41.

MOTION: Hudkins moved and Workman seconded to direct Kerry Eagan, Chief Administrative Officer, and Kristy Mundt, Deputy County Attorney, to draft a letter to State Probation, for the Chair's signature, indicating the Board is willing to increase the contract amount by \$9,619.59. Hudkins, Workman, Schorr, Heier and Stevens voted aye. Motion carried.

H. Correspondence from County Treasurer Regarding a Tax Refund to Level 3 Communications (\$226.80)

The Board did not object to the refund.

ADDITIONS TO THE AGENDA

A. City-County Common Agenda Items

Workman requested an update from Roger Figard, City Engineer, on median cut on Cornhusker Highway between 35th and 40th Streets.

Hudkins exited the meeting at 11:55 a.m.

The Board decided to send a letter to the City Council explaining why the Board delayed action on Comprehensive Plan Amendment 04020 (a request from the Planning Director, on behalf of the Nebraska Department of Roads, to amend the Mobility and Transportation element of the 2025 Lincoln/Lancaster County Comprehensive Plan, to upgrade U.S. Highway 77/West Bypass from an expressway to freeway status beginning at the planned South Beltway interchange just south of Saltillo Road and ending at Interstate 80).

12 ADJOURNMENT

MOTION: Workman moved and Schorr seconded to adjourn the meeting at 12:07 p.m. Workman, Stevens, Schorr and Heier voted aye. Hudkins was absent from voting. Motion carried.

Bruce Medcalf
Lancaster County Clerk